

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ALLAH BURMAN,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-07-762-F
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	

ORDER

On September 28, 2007, United States Magistrate Judge Bana Roberts issued a Report and Recommendation, wherein she recommended that petitioner's "Petition for a Writ of Habeas Corpus Ad Subjiciendum," construed as a successive petition brought pursuant to 28 U.S.C. § 2241, be dismissed for lack of jurisdiction. In the alternative, Magistrate Judge Roberts recommended that the petition be dismissed because petitioner has failed to show that the relief under 28 U.S.C. § 2255 is inadequate or ineffective to test the legality of his conviction. Magistrate Judge Roberts further recommended, in light of her recommendations of dismissal, that certain of petitioner's motions be denied as moot.

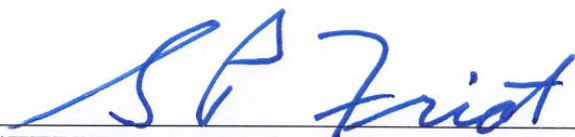
Presently before the court is petitioner's objection to the Report and Recommendation. Having conducted a de novo review of the matter in accordance with 28 U.S.C. § 636(b)(1), the court agrees with the analysis of Magistrate Judge Roberts. The court concludes that petitioner's objection is without merit. The court accepts, adopts, and affirms the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on September 28, 2007 (doc. no. 17) is **ACCEPTED, ADOPTED**, and **AFFIRMED**.

IT IS ALSO ORDERED that petitioner's "Petition for a Writ of Habeas Corpus Ad Subjiciendum" is **DISMISSED**.

IT IS FURTHER ORDERED that Petitioner's "Motion in Pursuant of Rules of Appellate Procedure Rule 23(C) Release Pending Review of Decision Ordering Release" (doc. no. 11); "Motion in Pursuant to § 2243 Issuance of Writ, Return, Hearing, Decision" (doc. no. 12); "Motion for Declaratory Judgment" (doc. no. 14); "Motion to Show Cause Why a Section 2255 Motion is Inadequate" (doc. no. 15), and Petitioner's request for service of summons and copies of the petition (doc. no. 16) are **DENIED** as **MOOT**.

DATED October 16, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE